

TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

March 9, 2015

Kittery Town Council
Requested by Chairperson Jeffrey Thomson
Special Meeting Agenda
6:30 p.m.

Council Chambers

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. EXECUTIVE SESSION

(030115-1) The Kittery Town Council moves to go into executive session in accordance with M.R.S. 36 §841 (2) (E) to consider an application for a hardship abatement due to poverty or infirmity.

6. ADJOURNMENT

Posted: March 5, 2015



TOWN OF KITTERY

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 475-1329 Fax: (207) 439-6806

March 9, 2015

Council Chambers

Kittery Town Council
Regular Meeting
7:00 p.m.

1. Call to Order
2. Introductory
3. Pledge of Allegiance
4. Roll Call
5. Agenda Amendment and Adoption
6. Town Manager's Report
7. Acceptance of Previous Minutes –1/28/15, 2/23/15 Special and 2/23/15 Regular
8. Interviews for the Board of Appeals and Planning Board
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials.

(030115-1) The Kittery Town Council moves to hold a hearing in accordance with 17 M.R.S. Sec. 2851, to determine if the structure commonly referred to as the former Mary's Store, located on the lot or parcel of land at or about 40 Old Post Road in Kittery, Map 8 Lot 25, is a dangerous building and if so, what action, if any, the Town Council orders to be taken to address such dangerous conditions of said structure.

10. PUBLIC HEARINGS

11. DISCUSSION

- a. Discussion by members of the public (three minutes per person)
- b. Response to public comment directed to a particular Councilor
- c. Chairperson's response to public comments

12. UNFINISHED BUSINESS

13. NEW BUSINESS

- a. Donations/gifts received for Council disposition

b. (030115-1) The Kittery Town Council moves to approve the disbursement warrants.

c. (030115-2) The Kittery Town Council moves to approve the five town-wide Sidewalk Sales Events for 2015 as requested by the Kittery Outlet Association: May 22-25; July 2-5; July 30-Aug.2; Sept. 4-7; and Oct. 9-12.

d. (030115-3) The Kittery Town Council moves to authorize Tributary Brewing Co., LLC, 5 Winding Brooke Lane, South Berwick, ME, a one day extension for Tributary Brewing Company, 10 Shapleigh Road, Site A, to hold a one day event on April 1, 2015 from noon to 9:00 p.m. to serve beer under an enclosed tent in front of the establishment.

e. (030115-4) The Kittery Town Council moves to approve a renewal application from The Dance Hall, 7 Walker Street, Kittery for a Malt and Vinous Liquor License for The Dance Hall, 7 Walker Street.

d. (030115-5) The Kittery Town Council moves to authorize the release of funds in the amount of \$10,000 from unassigned surplus and to appropriate said funds to be paid out of account #101740-68427 Expense Self-Insurance Claims to pay the deductible associated with the water damage claim #2 at the Kittery Community Center.

14. COUNCILOR ISSUES OR COMMENT

15. COMMITTEE AND OTHER REPORTS

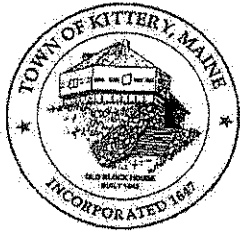
a. Communications from the Chairperson

b. Committee Reports

16. EXECUTIVE SESSION

17. ADJOURNMENT

Posted: March 5, 2015



TOWN OF KITTERY

Office of the Town Manager

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

ncolbertpuff@kitteryme.org

Nancy Colbert Puff
Town Manager

Town Manager's Report to the Town Council March 9, 2015

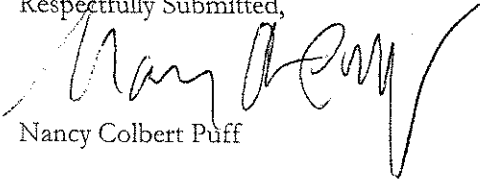
1. **Kittery Community Center (KCC) Flooding** – Insurance claim estimates total \$64,400 to date, with additional items being priced. While repairs are proceeding, we continue to work on determining the best long-term fix for the system to avoid future freeze issues.
2. **Portsmouth Naval Shipyard (PNSY) Traffic Issues** – Representative from PNSY will attend Council's next meeting to hear about Kittery's traffic concerns and present PNSY's on-going efforts in that regard.
3. **Athletic Fields Master Plan** – The second public meeting on this project took place on March 4th. A variety of improvements were reviewed. We will be broadcasting this meeting on Channel 22. The next meeting scheduled is April 8th.
4. **Foreside Forum Follow-up** – As previously reported, we are working to develop a request for proposals to seek consulting assistance in implementing some of the recommendations made in the final report. We have had a meeting with Southern Maine Regional Planning and Development to discuss what this scope might entail, and to explore grant funding. I expect timing will necessitate this project be pursued in the next fiscal year.
5. **Public Works Snow Removal Costs** – Following is a current

Budget #	Item	Budget	Expended	Balance
410-64029	Snow Overtime	47,500	77,040	(29,540)
410-64030	Regular Overtime	4,445	2,953	1,492
410-65452	Salt	95,000	143,705	(48,705)
Grand Totals		\$ 146,945	\$ 223,698	\$ (76,753)

6. **Proposed School Budget** – As you are likely aware, the School Committee's proposed budget reflects a 3.82% increase in expenses, and a 2.26% increase in the tax appropriation request. The School Committee will hear from the Chair of the CIP Committee pertaining to the bond recommendation at its meeting on March 17th.
7. **Rice Public Library** – I hope to assemble a small committee to begin a consensus-building effort around a "new" Rice Public Library, in whatever form/location that makes sense for Kittery. I have spoken to Lee Perkins about this, but will be reaching out to others in the upcoming weeks.
8. **"Sensitivity Training" for Boards and Commissions** – A reminder: Margie Berkovich will speak to our Boards and Commissions on March 19th at 6:30 pm. I have sent out a notice to all Chairpersons.

As always, if you have any questions or concerns prior to Monday's evening's meeting, please do not hesitate to contact me. Thank you.

Respectfully Submitted,



Nancy Colbert Puff

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

January 28, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier, Judy Spiller and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated he would like to move item 13b to item 9 after the Finance Director's report.

6. Town Manager's Report –

Town Manager Puff noted that the KCC had some flood damage due to a burst pipe. She continued the cause was the same as the previous pipe damage and they had started to diagnose the problem.

Town Manager Puff stated relative to the credibility allegations against the Police Chief, that she had nothing new to report, but was making sure that it was not effecting Kittery's obligations.

Town Manager Puff stated they were holding a customer service training for employees the following day at the KCC and some offices would be closed.

Town Manager Puff indicated they were finalizing a hire for the utility bookkeeper and assistant tax collector.

Town Manager Puff noted they had solicited an RFP to help with the Spruce Creek watershed restoration project and evaluation of the road system.

UNAPPROVED MINUTES

28 Town Manager Puff noted the York County Managers was putting together an advocacy
29 group for legislature relevant to York County.

30 Town Manager Puff thanked DPW, fire department and police department for their hard
31 work during the blizzard.

32 Town Manager Puff indicated she had met with Lee Perkins, Library Director, to discuss
33 getting a group together to talk about how a new library effort might unfold and that Ms. Perkins
34 was agreeable with that idea.

35 Town Manager Puff stated that Council would be meeting with the Eliot Selectman on
36 March 2nd to discuss issues and concerns.

37 7. Acceptance of Previous Minutes –1/12/15

38 The minutes of 1/12/15 were accepted as amended.

39 8. Interviews for the Board of Appeals and Planning Board – None

40 9. All items involving the town attorney, town engineers, town employees or other town
41 consultants or requested officials –

42 (010315-1) The Kittery Town Council moves to discuss and give guidance to the
43 Finance Director regarding the Fire Truck Transfer repayments.

44 Finance Director Cindy Saklad came to the podium and stated they had discovered the
45 schedule for repayment for the fire truck loan was being repaid to the public safety impact fee
46 account. After meeting with the fire chief, it was determined that account did not need to be
47 repaid and that there were other errors in the schedule. She continued that Council had closed
48 some accounts that were supposed to be being repaid and as those accounts no longer existed, the
49 payments had been suspended. Ms. Saklad provided a report on how she thought the funds
50 should be paid back.

51 **COUNCILOR DENNETT MOVED TO SCHEDULE A PUBLIC HEARING ON**
52 **THE REPAYMENT SCHEDULE FOR THE FIRE TRUCK LOAN ON FEBRUARY 23,**
53 **2015, SECONDED BY CHAIRPERSON THOMSON.**

54 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
55 **7/0.**

56 (010315-4) The Kittery Town Council moves to receive and discuss the Kittery Port
57 Authority's Self-Assessment report.

UNAPPROVED MINUTES

Chairperson Thomson noted the KPA had some hard times over the past couple of years and it was looking for a two year period to prove its ability to manage the waterfront and develop a more comprehensive plan for its operations. He continued that they had provided Council with a detailed report and revised by-laws. Councilor Lemont asked if they were looking to change the appointment process. Kelly Philbrook, Chair of the KPA, responded she would like to rotate the responsibility to conduct interviews so that everyone is participating in the process. She continued they had decided to keep the current procedure intact until the Town finalized their changes to appointment procedures. Councilor Lemont asked if they had trouble with getting members to help out. Ms. Philbrook responded that she wanted to make sure people coming on the Board knew they had a job to do and that everyone needed to be involved so the responsibility did not fall on one person. She continued that she was proud of the current members of the KPA and they were very dedicated. Councilor Lemont stated that he thought with Ms. Philbrook's leadership, the KPA was going in the right direction but that he was not comfortable with a two year "probationary" period. He continued that he would like to hear from the KPA on a regular basis. Councilor White stated he thought the report was excellent and liked the idea of spreading the workload and agreed with receiving a report regularly. Councilor Denault echoed Councilor White and Councilor Lemont's statements, but wanted to receive a monthly report to Council to keep them updated on what was going on. Councilor Spiller noted she did not think that Council had the ability to put the KPA on "probation" and wished them the best of luck moving ahead. Councilor Pelletier indicated he thought the by-laws and report were quite satisfactory. He asked how the KPA thought they could better interact with the public going forward. Ms. Philbrook responded they were putting together an action item list to keep the public more informed as to what was going on. Councilor Dennett stated he appreciated the work they had done but asked that the by-laws be reviewed thoroughly and that he thought the biggest help to the KPA would be filling the 3 empty seats. Chairperson Thomson said he would be in contact with Ms. Philbrook the following week to set up interviews.

10. PUBLIC HEARINGS -

a. (010315-2) The Kittery Town Council moves to hold a public hearing on an application from Shri Ganesh, Inc., 841 Main Street, Reading, MA for a Victualer's License for Kittery Food Mart, 2 Shapleigh Road.

Chairperson Thomson noted this public hearing was advertised in the local, printed media on January 16, 2015. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM SHRI GANESH, INC., 841 MAIN STREET, READING, MA FOR A VICTUALER'S LICENSE FOR KITTERY FOOD MART, 2 SHAPLEIGH ROAD, SECONDED BY COUNCILOR WHITE.

UNAPPROVED MINUTES

95 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
96 **7/0.**

97 b. (010315-3) The Kittery Town Council moves to hold a public hearing and act on
98 proposed amendments to Title 16, Chapter 16.9 of the Kittery Town Code as recommended by
99 the Planning Board.

100 Chris DiMatteo, Town Planner, came to the podium and stated this public hearing was
101 relative to Chapter 16.9.3.8, expiration of wetlands alteration approval, and had been
102 accidentally omitted from the previous public hearing on Chapter 16.

103 Chairperson Thomson noted this hearing was advertised in the local, printed media on
104 January 16th. Chairperson Thomson then opened the public hearing and no response being
105 heard, closed the public hearing.

106 **COUNCILOR SPILLER MOVED TO HEREBY ORDAIN AMENDMENTS TO**
107 **CHAPTER 16, SECTION 16.9.3.8 OF THE KITTERY TOWN CODE, SECONDED BY**
108 **COUNCILOR WHITE.**

109 Councilor Dennett went over his issues and noted they had not reached uniformity as was
110 expected. He continued he thought this should be sent back to the Planning Board for revisions.
111 Councilor White responded this item had been edited multiple times and thought they should put
112 it through that evening.

113 **COUNCILOR WHITE MOVED TO AMEND THE MAIN MOTION TO AMEND**
114 **ITEM B UNDER 16.9.3.8 AND ITEM C UNDER 16.10.1.4 TO BE ONE IN THE SAME,**
115 **USING C AS A MODEL, SECONDED BY COUNCILOR SPILLER.**

116 Councilor Dennett stated he did not agree with the motion and thought at the least, Item
117 D should be included in the motion.

118 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
119 **OPPOSED. MOTION PASSES 6/1.**

120 **A ROLL CALL VOTE WAS TAKEN ON THE MAIN MOTION WITH**
121 **COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.**

122 11. Discussion

123 a. Discussion by members of the public –

124 Milton Hall came to the podium and stated that he had received a call from one of his
125 tenants who complained the sidewalk plow had pushed the snow from the road into her
126 driveway. He asked that this be addressed.

UNAPPROVED MINUTES

Norm Albert, DPW Commissioner, came to the podium and stated that he wanted to thank all of the departments for their work during the storm and thanked the residents for staying off the roads. He asked residents to check Channel 22 and the Town website to see if places in town were open to eliminate some of the phone calls they were receiving during storms. Mr. Albert also asked the public to not snowshoe or cross country ski during storms as it was hard for vehicles to see them. He noted he would speak to the sidewalk plow driver about keeping the snow out of people's driveways.

b. Response to public comment directed at a particular Councilor – None

c. Chairperson's response to public comments – None

12. UNFINISHED BUSINESS –

(120114-1) The Kittery Town Council moves to ordain proposed amendments to Title 16, Chapters 16.10, 16.2, 16.3, 16.7 and 16.8 of the Kittery Town code as recommended by the Planning Board.

Chairperson Thomson noted these amendments were heard at the December 8th meeting and the hearing had been opened and closed but no formal action had been taken. Councilor Dennett indicated it was his opinion that all sections should be voted on separately.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.10.9.1.4 OF THE KITTERY TOWN CODE, AND CHANGING LINE 42 TO READ "ONE (1)", SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.2.2 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

Councilor Dennett noted that he did not understand these issues and would be abstaining from all further votes on these amendments.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT ABSTAINED. MOTION PASSES 6/0/1.

CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.3.2.13 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.

UNAPPROVED MINUTES

159 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
160 **ABSTAINED. MOTION PASSES 6/0/1.**

161 **CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL**
162 **HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.7.3.5.6 THROUGH 16.7.3.6.1 OF**
163 **THE KITTERY TOWN CODE, SECONDED BY COUNCILOR WHITE.**

164 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
165 **ABSTAINED. MOTION PASSES 6/0/1.**

166 **CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL**
167 **HEREBY ORDAIN AMENDMENTS TO CHAPTER 16.8.28.1 OF THE KITTERY**
168 **TOWN CODE, SECONDED BY COUNCILOR WHITE.**

169 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
170 **ABSTAINED. MOTION PASSES 6/0/1.**

171 **CHAIRPERSON THOMSON MOVED THAT THE KITTERY TOWN COUNCIL**
172 **HEREBY ORDAIN DELETION OF CHAPTER 16.10.9.1.5 OF THE KITTERY TOWN**
173 **CODE, SECONDED BY COUNCILOR WHITE.**

174 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
175 **ABSTAINED. MOTION PASSES 6/0/1.**

176 **13. NEW BUSINESS**

177 a. Donations/gifts received for Council disposition - None

178 b. (010315-4) The Kittery Town Council moves to receive and discuss the Kittery Port
179 Authority's Self-Assessment report – See Item 9

180 c. (010315-5) The Kittery Town Council moves to approve the disbursement warrants.

181 **COUNCILOR SPILLER MOVED TO APPROVE THE DISBURSEMENT**
182 **WARRANTS, SECONDED BY COUNCILOR PELLETIER, WITH ALL IN FAVOR.**
183 **MOTION PASSES 7/0.**

184 d. (010315-6) The Kittery Town Council moves to schedule a public hearing in
185 accordance with MRS Title 17 Section 2851 Dangerous Buildings, to consider the condition of
186 the building located at 40 Old Post Road, Map 8 Lot 25 and to take any appropriate action.

187 **CHAIRPERSON THOMSON MOVED TO SCHEDULE A PUBLIC HEARING IN**
188 **ACCORDANCE WITH MRS TITLE 17 SECTION 2851 DANGEROUS BUILDINGS, TO**
189 **CONSIDER THE CONDITION OF THE BUILDING LOCATED AT 40 OLD POST**

UNAPPROVED MINUTES

190 **ROAD, MA9 8, LOT 25 AND TO TAKE ANY APPROPRIATE ACTION ON MARCH 9,**
191 **2015, SECONDED BY COUNCILOR WHITE.**

192 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
193 **7/0.**

194 e. (010315-7) The Kittery Town Council moves to re-appoint Maryann Place as the
195 Registrar of Voters until 12/31/16.

196 **COUNCILOR PELLETIER MOVED TO RE-APPOINT MARYANN PLACE AS**
197 **THE REGISTRAR OF VOTERS UNTIL 12/31/16, SECONDED BY COUNCILOR**
198 **WHITE.**

199 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
200 **ABSTAINED. MOTION PASSES 6/0/1.**

201 14. COUNCILOR ISSUE OR COMMENT

202 Councilor Denault listed the residents who had passed in the previous months including
203 Mary Pelletier, Alfred Lebrun, Dominic Zangari, Norman Averill, Marcia Gibbons, Thomas
204 Smith, James Chisolm, Bonnie Starkey, Eva Blake, Anna Watts, Roland Tuttle, Rita Turner,
205 Arnold Bartlett, Richard Barbieri, Daniel Lenehan, Pauline Burditt, Alfred Wenck, Helen
206 Hendrickson, Lois Cloutier and Josephine Michaud.

207 Councilor Pelletier asked about the status of the Comprehensive Plan Update Committee.
208 Councilor White stated that the Committee had been on hiatus for a couple of months. He
209 continued that the State's timeframe had run out so it could not be considered an update anymore
210 and would have to be essentially a whole new plan. Councilor White noted that they were
211 considering sending out the project to a paid consultant if they could find the funds and asked if
212 Council would consider allocating the funds or if it could be put into the budget. Councilor
213 White indicated \$60,000 had been allocated for the last plan but was unsure of what the cost of a
214 new plan would be. He continued the Committee was eager to move forward but were unclear as
215 to whether they could produce the type of product needed. Councilor White stated they would
216 be meeting the next month.

217 15. COMMITTEE AND OTHER REPORTS

218 a. Communications from the Chairperson

219 Chairperson Thomson stated he thought it was time to have the commander or public
220 works caption for the Navy Yard to come to a Council meeting to discuss the traffic at the Yard.

221 Chairperson Thomson noted there was a workshop scheduled with the CIP Committee
222 the following Monday at 6:00 and a workshop relative to the Foreside working groups at 7:15.

UNAPPROVED MINUTES

223 b. Committee Reports – None

224 16. EXECUTIVE SESSION – None

225 17. ADJOURNMENT

226 **COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY**
227 **COUNCILOR SPILLER WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:47**
228 **P.M.**

229

230

231

UNAPPROVED MINUTES

February 23, 2015

Kittery Town Council
Special Meeting
Requested by Jeffrey Thomson, Chair

Council Chambers

1. CALL TO ORDER: Vice Chairperson White called the meeting to order at 6:00 p.m.
2. INTRODUCTORY: Chairperson Thomson read the introductory.
3. PLEDGE OF ALLEGIANCE: Chairperson Thomson led those present in the Pledge of Allegiance.
4. ROLL CALL: Answering the roll were Councilors Frank Dennett, Charles Denault, Jeffrey Pelletier, Councilor Spiller and Vice Chairperson Russell White. Chairperson Jeffrey Thomson was absent and Councilor Kenneth Lemont arrived at 6:12 p.m.
5. EXECUTIVE SESSION:

(020215-1) The Kittery Town Council moves to go into executive session in accordance with M.R.S. 36 §841 (2) (E) to consider an application for a hardship abatement due to poverty or infirmity.

IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR PELLETIER TO GO INTO EXECUTIVE SESSION AT 6:02 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 5-0.

IT WAS MOVED BY COUNCILOR SPILLER AND SECONDED BY COUNCILOR PELLETIER TO COME OUT OF EXECUTIVE SESSION AT 6:31 P.M. ROLL CALL VOTE WAS TAKEN AND MOTION PASSED, 6-0.

IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY COUNCILOR SPILLER TO GRANT THE ABATEMENT APPLICATION. ROLL CALL VOTE WAS TAKEN AND THE MOTION FAILED, 0-6.

6. ADJOURNMENT:

IT WAS MOVED BY COUNCILOR PELLETIER AND SECONDED BY VICE CHAIRPERSON WHITE TO ADJOURN THE MEETING AT 6:33 P.M. ALL WERE IN FAVOR BY A VOICE VOTE. MOTION PASSED 6-0.

UNAPPROVED MINUTES

KITTERY TOWN COUNCIL

February 23, 2015

COUNCIL CHAMBERS

1. Call to Order

Councilor White called the meeting to order at 7:00 P.M.

2. Introductory

Councilor White read the introductory.

3. Pledge of Allegiance

Councilor White led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Councilors Russell White, Frank Dennett, Chuck Denault, Jeffrey Pelletier and Judy Spiller.

5. Agenda Amendment and Adoption –

Councilor Spiller stated she did not think that they should act on the Planning Board interviews until the new appointment rules were in place. Councilor Denault indicated that he agreed with Councilor Spiller. Councilor Pelletier noted they should remove Item 8 from the agenda.

The agenda was accepted as amended.

6. Town Manager's Report –

Town Manager Puff indicated they had held a hearing on the KCC flooding. She continued they had thought of an approach which would consist of installing a sleeve and properly sealing the units. Ms. Puff stated there was no guarantee that this would work and wanted to discuss the issue more before finalizing the approach.

Town Manager Puff noted they had hired Jan Fisk as the utility billing bookkeeper and Alaina Picott to the planning and code enforcement team.

Town Manager Puff indicated they were trying to schedule the Shipyard to come in to discuss traffic issues.

Town Manager Puff stated there had been a question of installing a traffic light on Goodsoe Road. She continued it did not meet the criteria to warrant a traffic light.

UNAPPROVED MINUTES

29 Town Manager Puff reminded Council that sensitivity training was scheduled for March
30 19th and would sent a reminder out to everyone.

31 Town Manager Puff stated she would have an estimate snow removal cost at the next
32 meeting.

33 Town Manager Puff indicated there were issues with traffic backing up at the intersection
34 on Cook Street. She continued they were looking at the timing of the light and had put up signs
35 reminding people not to block the intersection.

36 Town Manager Puff noted they had put out to bid the Baylor replacement for the
37 Recycling Center.

38 Councilor Denault stated he thought that the sensitivity training should be mandatory for
39 all boards and committees and that the video should be posted online. Councilor Lemont stated
40 he thought board members should be strongly encouraged to attend. Councilor Lemont noted
41 that he would like to receive an update on the library at each meeting.

42 7. Acceptance of Previous Minutes – 2/11/15 Regular Meeting & 2/11/15 Special Meeting

43 The minutes of 2/11/15 Regular Meeting were accepted as amended. The minutes of the
44 2/11/15 were accepted as presented.

45 8. Interviews for the Board of Appeals and Planning Board –

- 46 • Paul E. Lucy
- 47 • Matt Brock
- 48 • Deborah Lynch

49 No action was taken.

50 9. All items involving the town attorney, town engineers, town employees or other town
51 consultants or requested officials – None

52 10. PUBLIC HEARINGS -

53 a. (020215-1) The Kittery Town Council moves to hold a public hearing on an
54 application of BNKittery, LLC, 74 State Road, Suite 205, Kittery for a Victualer's License for
55 The Farm Bar & Grill, 57 State Road.

56 Councilor White noted this public hearing was advertised on February 13th. Councilor
57 White then opened the public hearing and no response being heard, closed the public hearing.

58 **COUNCILOR PELLETIER MOVED TO APPROVE THE APPLICATION OF**
59 **BNKITTERY, LLC, 74 STATE ROAD, SUITE 205, KITTERY FOR A VICTUALER'S**

UNAPPROVED MINUTES

LICENSE FOR THE FARM BAR & GRILL, 57 STATE ROAD, SECONDED BY COUNCILOR SPILLER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 6/0.

b. (020215-2) The Kittery Town Council moves to hold a public hearing in accordance with Section 6.09(4) of the Kittery Town Charter, to transfer funds among capital accounts associated with the repayment of the 2010 fire truck purchase.

		Account #				Account #
Transfer from	Public Safety Impact Fees	4030-68500	\$12,412.04	Transfer to	Fire Truck Reserve	4013-43580
Transfer from	Fire Truck Reserve	4013-68500	\$14,491.23	Transfer to	Pepperrell Road Drainage	4045-43580
Transfer from	Fire Truck Reserve	4013-68500	\$35,121.47	Transfer to	Traffic Lights Rt. 236 Martin Road	4039-43580

Amend Fire Truck Repayment Schedule for FY16 and FY17 to:

Transfer from	Fire Truck Reserve FY16	4013-68500	\$19,661.84	Transfer to	Compensated Absences	2022-43580
Transfer from	Fire Truck Reserve FY16	4013-68500	\$35,121.57	Transfer to	Traffic Lights Rt. 236 Martin Road	4039-43580
Transfer from	Fire Truck Reserve FY17	4013-68500	\$19,661.84	Transfer to	Compensated Absences	2022-43580
Transfer from	Fire Truck Reserve FY17	4013-68500	\$35,121.58	Transfer to	Traffic Lights Rt. 236 Martin Road	4039-43580

Councilor White noted this public hearing was advertised on February 13th. Councilor White then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR SPILLER MOVED TO TRANSFER FUNDS AMONG CAPITAL ACCOUNTS ASSOCIATED WITH THE REPAYMENT OF THE 2010 FIRE TRUCK PURCHASE AS PRESENTED, SECONDED BY COUNCILOR PELLETIER.

UNAPPROVED MINUTES

76 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
77 **6/0.**

78 11. Discussion

79 a. Discussion by members of the public – None

80 b. Response to public comment directed at a particular Councilor – None

81 c. Chairperson's response to public comments – None

82 12. UNFINISHED BUSINESS – None

83 13. NEW BUSINESS

84 a. Donations/gifts received for Council disposition - None

85 b. (020215-2) The Kittery Town Council moves to accept the resignation of Thomas
86 Battcock Emerson from the Planning Board.

87 **COUNCILOR PELLETIER MOVED TO ACCEPT THE RESIGNATION OF**
88 **THOMAS BATTCOCK EMERSON FROM THE PLANNING BOARD, SECONDED BY**
89 **COUNCILOR SPILLER.**

90 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
91 **6/0.**

92 c. (020215-3) The Kittery Town Council moves to approve an application from
93 BNKittery, LLC, 74 State Road, Suite 205, Kittery for a Malt, Spirituous and Vinous Liquor
94 License for The Farm & Grille, 57 State Road.

95 **COUNICLOR SPILLER MOVED TO APPROVE AN APPLICATION FROM**
96 **BNKITTERY, LLCC, 74 STATE ROAD, SUITE 205, KITTERY FOR A MALT,**
97 **SPIRITUOUS AND VINOUS LIQUOR LICENSE FOR THE FARM & GRILLE, 57**
98 **STATE ROAD, SECONDED BY COUNCILOR PELLETIER.**

99 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION**
100 **PASSES 6/0.**

101 d. (020215-4) The Kittery Town Council moves to approve an application from Loco
102 Coco's Tacos Corp., 36 Walker Street for a Malt, Spirituous and Vinous Liquor License for Loco
103 Coco's Tacos, 36 Walker Street.

104 **COUNCILOR SPILLER MOVED TO APPROVE AN APPLICATION FROM**
105 **LOCO COCO'S TACOS CORP., 36 WALKER STREET FOR A MALT, SPIRITUOUS**

UNAPPROVED MINUTES

106 **AND VINOUS LIQUOR LICENSE FOR LOCO COCO'S TACOS, 36 WALKER**
107 **STREET, SECONDED BY COUNCILOR PELLETIER.**

108 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
109 **6/0.**

110 e. (020215-5) The Kittery Town Council moves to approve the disbursement warrants.

111 **COUNCILOR PELLETIER MOVED TO APPROVE THE DISBURSEMENT**
112 **WARRANTS, SECONDED BY COUNCILOR SPILLER.**

113 **A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES**
114 **6/0.**

115 f. (020215-6) The Kittery Town Council moves to authorize the Town Manager to enter
116 into a purchase and sale agreement with the Maine Turnpike Authority to purchase land, for a
117 price not to exceed \$1,500 to facilitate the Sewer Extension Project.

118 **COUNCILOR SPILLER MOVED TO AUTHORIZE THE TOWN MANAGER TO**
119 **ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE MAINE**
120 **TURNPIKE AUTHORITY TO PURCHASE LAND, FOR A PRICE NOT TO EXCEED**
121 **\$1,500, TO FACILITATE THE SEWER EXTENSION PROJECT, SECONDED BY**
122 **COUNCILOR PELLETIER.**

123 Councilor Denault asked if the land had been appraised and how much the appraisal cost.
124 Town Manager Puff replied that it had been appraised and cost \$1,000. Councilor Dennett asked
125 what the appraised value was. Town Manager Puff responded the appraisal had come back at
126 \$500 and that the \$1,500 figure had come as a result of negotiations with the Turnpike Authority
127 who thought it was worth \$3,000. George Kathios, Superintendent of Sewers, came to the
128 podium and stated this was the best and most cost efficient place to install the pump station.. He
129 continued he was still negotiating the price and thought that it might drop a little further.

130 **A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT**
131 **OPPOSED. MOTION PASSES 5/1.**

132 14. **COUNCILOR ISSUE OR COMMENT**

133 Councilor Denault stated he would like to discuss drafting a policy on town employees
134 working from home and also on the confidential files that were available offsite. He continued
135 he was concerned about the security of those files.

136 Councilor Denault indicated that the streaming of the February 11th meeting was not
137 online.

UNAPPROVED MINUTES

138 Councilor Lemont stated he anticipated the new appointment rules would be presented at
139 the March 9th meeting.

140 Councilor White stated Council would be meeting with the Eliot Selectmen the following
141 Wednesday at 5:30.

142 15. COMMITTEE AND OTHER REPORTS

143 a. Communications from the Chairperson - None

144 b. Committee Reports – None

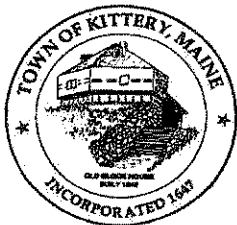
145 16. EXECUTIVE SESSION – None

146 17. ADJOURNMENT

147 **COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY**
148 **COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 7:56**
149 **P.M.**

150

151



TOWN OF KITTERY

Planning and Development

200 Rogers Road, Kittery, ME 03904

Telephone: 207-475-1329 Fax: 207-439-6806

cdimatteo@kitteryme.org

Christopher Di Matteo
Town Planner

INTEROFFICE MEMORANDUM

TO: NANCY COLBERT PUFF, TOWN MANGER
FROM: CHRIS. DI MATTEO
SUBJECT: KITTERY OUTLETS' 2015 TENT/SIDEWALK SALES
DATE: FEBRUARY 25, 2015

I have reviewed the attached information from the Kittery Outlets Association requesting approval of their tent sale events for 2015. Per Title 5.7 Sidewalk Sales, the dates of such events must be approved by the Town Council.

The Police Chief and the Fire Chief reviewed the information and have no issues.

Unless you have any questions or concerns please place the request on the next available agenda for the Town Council's consideration and action.



TOWN OF KITTERY, MAINE

200 Rogers Road, Kittery, ME 03904
Telephone: (207) 439-0452 Fax: (207) 439-6806

APPLICATION TO THE KITTERY TOWN COUNCIL
TO APPROVE UP TO FIVE (5) REQUESTED DATES
FOR TOWN-WIDE SIDEWALK SALES EVENTS

RECEIVED
JUL 27 2014

BY:

1. List requested dates and days of the week for up to five (5) sidewalk sales events

in this calendar year (each event not to exceed four days):

- Event #1: Memorial Day Sale Event May 22-25
Event #2: July 2-5 Fourth of July Sale
Event #3: July 30-Aug 2 Kittery Back to School
Event #4: Sept 4-7 Labor Day Sale Event
Event #5: October 9-12 Columbus Day Sale Event

2. List the names and show signatures of five (5) merchants primarily engaged in retail trade or landlords of tenants primarily engaged in retail trade supporting this application:

<u>Name:</u>	<u>Affiliation:</u>	<u>Signature:</u>
A. <u>Meg Cloud</u>	<u>weatherwax</u>	<u>Meg Cloud</u>
B. <u>LISA MORIGUCHI</u>	<u>KITTERY TRADING Post</u>	<u>Lisa Moriguchi</u>
C. <u>Elizabeth Fowers-Laird</u>	<u>Premium Outlets/Simon</u>	<u>Elizabeth Fowers-Laird</u>
D. <u>Mari O'Neil</u>	<u>TANGER OUTLET CENTERS</u>	<u>Mari O'Neil</u>
E. <u>Bridget McBride</u>	<u>BROOKSTONE</u>	<u>Bridget McBride</u>

continued...

**APPLICATION TO THE KITTERY TOWN COUNCIL TO APPROVE UP TO FIVE (5)
REQUESTED DATES FOR TOWN-WIDE SIDEWALK SALES EVENTS (Continued)**

3. Indicate means of informing the Kittery business community of the opportunity to participate in the town-wide sidewalk sales event(s) should it be approved:

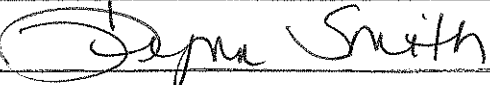
(Please circle at least one "yes" response)

- ☒ Yes No Post notices in conspicuous locations around town, including on KOA's website and the Town Office, stating the dates of the event and the requirement for a town-approved sidewalk sales site plan for merchants to participate.
- ☒ Yes No Insert a notice or article in the Greater York Chamber of Commerce newsletter or website.
- Yes No Place a legal notice in a newspaper of general circulation at least ten (10) days preceding the event.

Other methods: _____

4. Name of applicant/contact person coordinating the event(s):

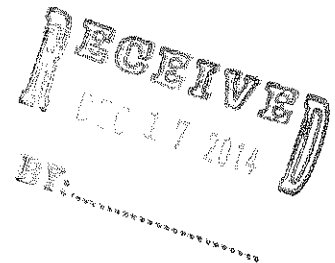
NAME: Lynn Smith

SIGNATURE: 

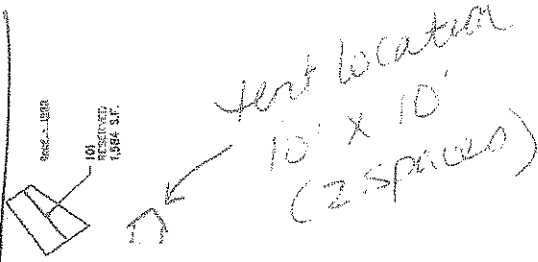
ADDRESS: PO Box 357 Kittery, ME 03904

TELEPHONE #: (207) 439-4367

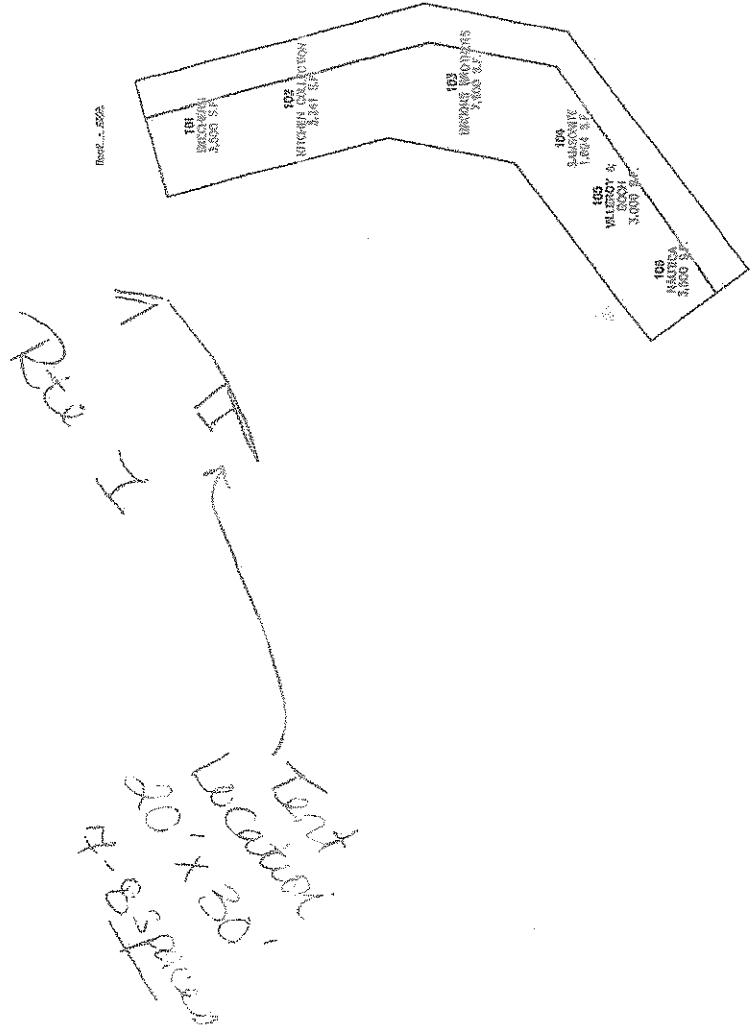
E-MAIL (OPT.): lsmiths@comcast.net



TANGER 3



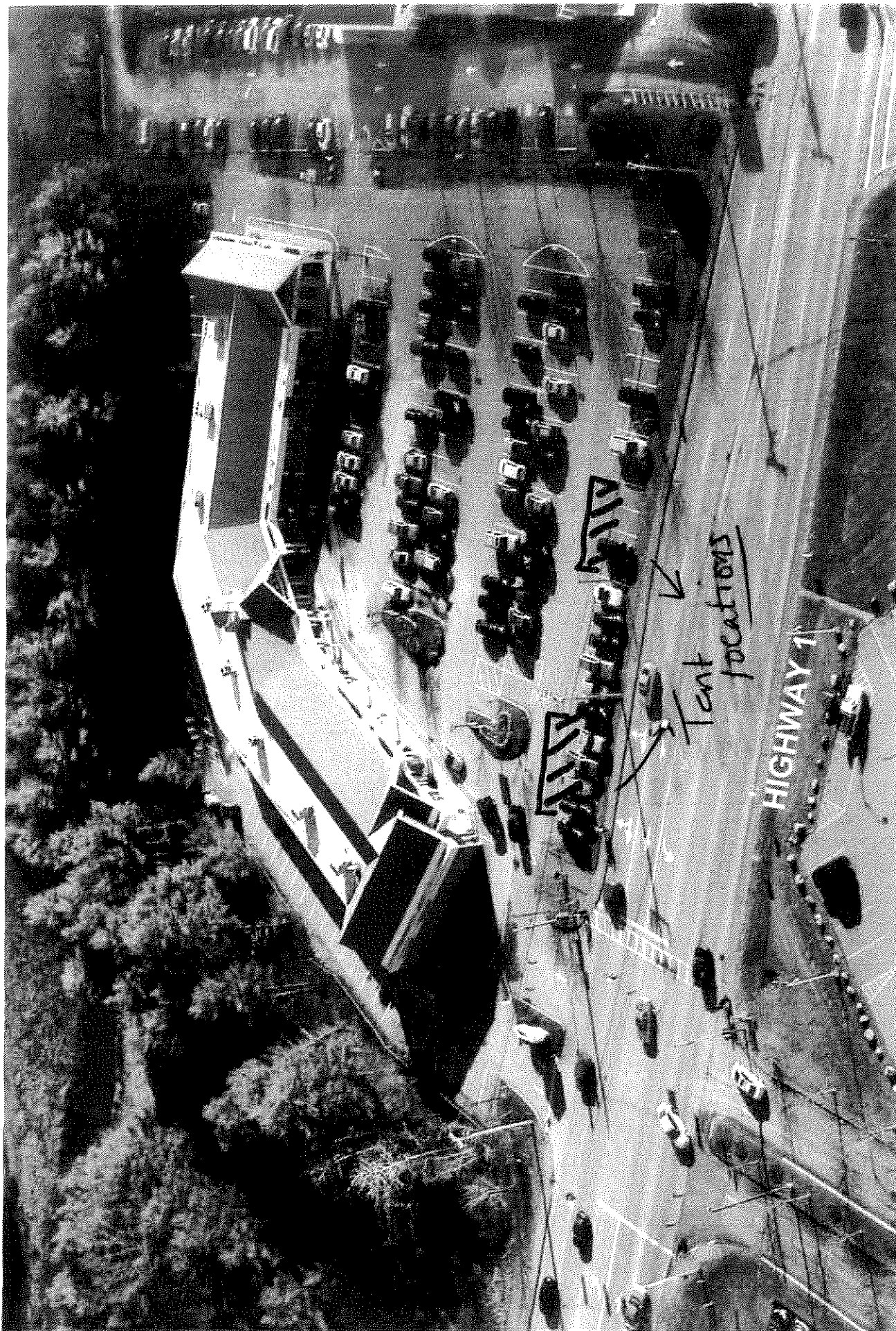
TANGER 2



Tanger Outlet Centers



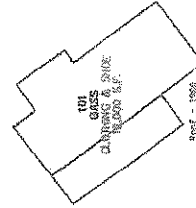
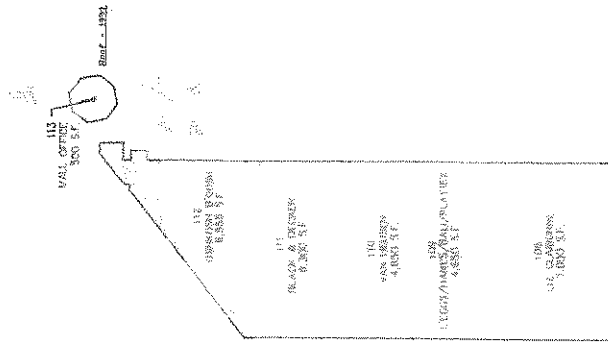
BATTERY II & III OPERATIONS DEPT.



TANGER OUTLET CENTER 2
KITTERY, MAINE



TANGER I

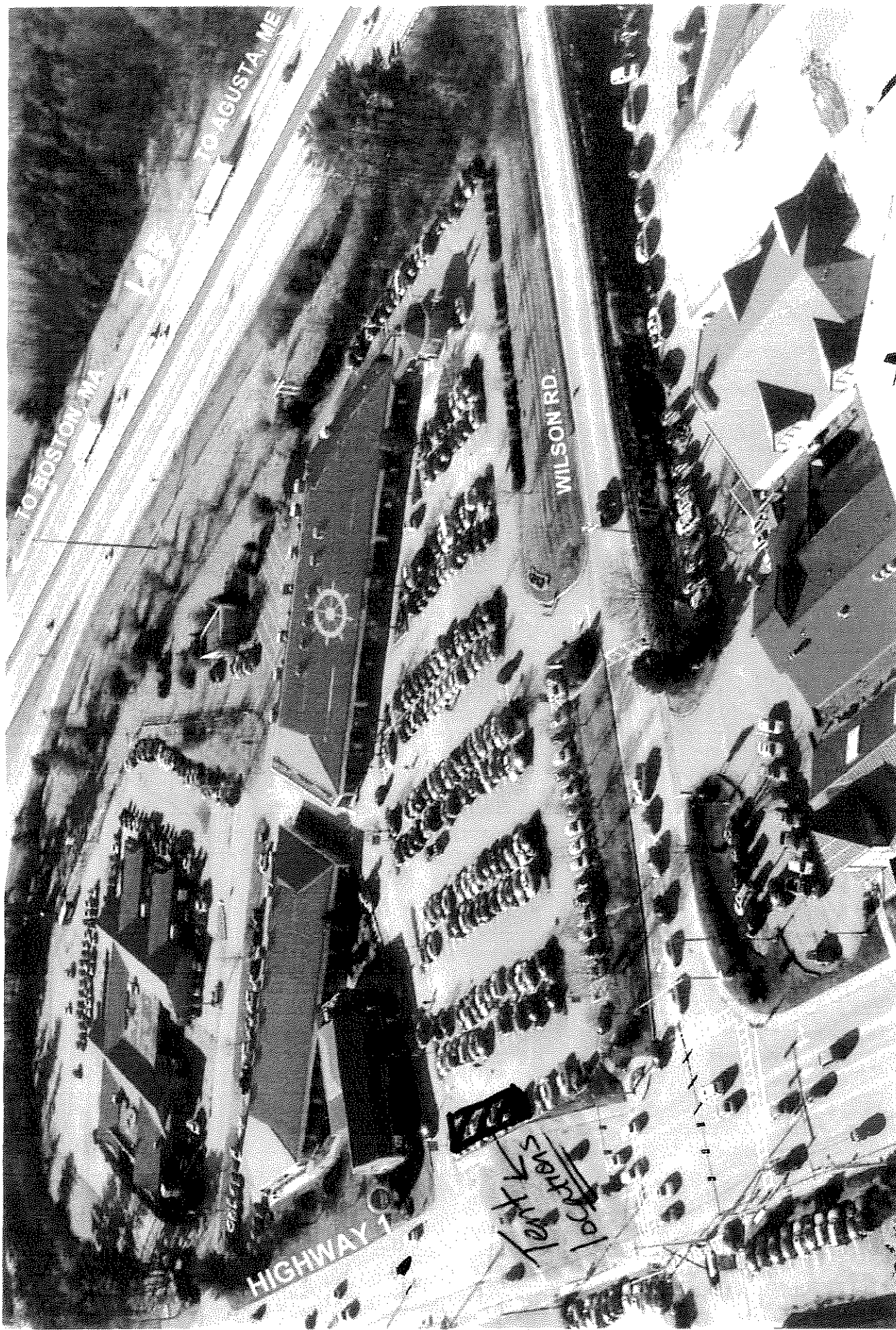


Tent location
 20' x 40'
 8-9 park space

Tanger Outlet Centers

BATTERY I - OPERATIONS DEPART.





TANGER OUTLET CENTER 1
KITTERY, MAINE



BARBOUR STORE

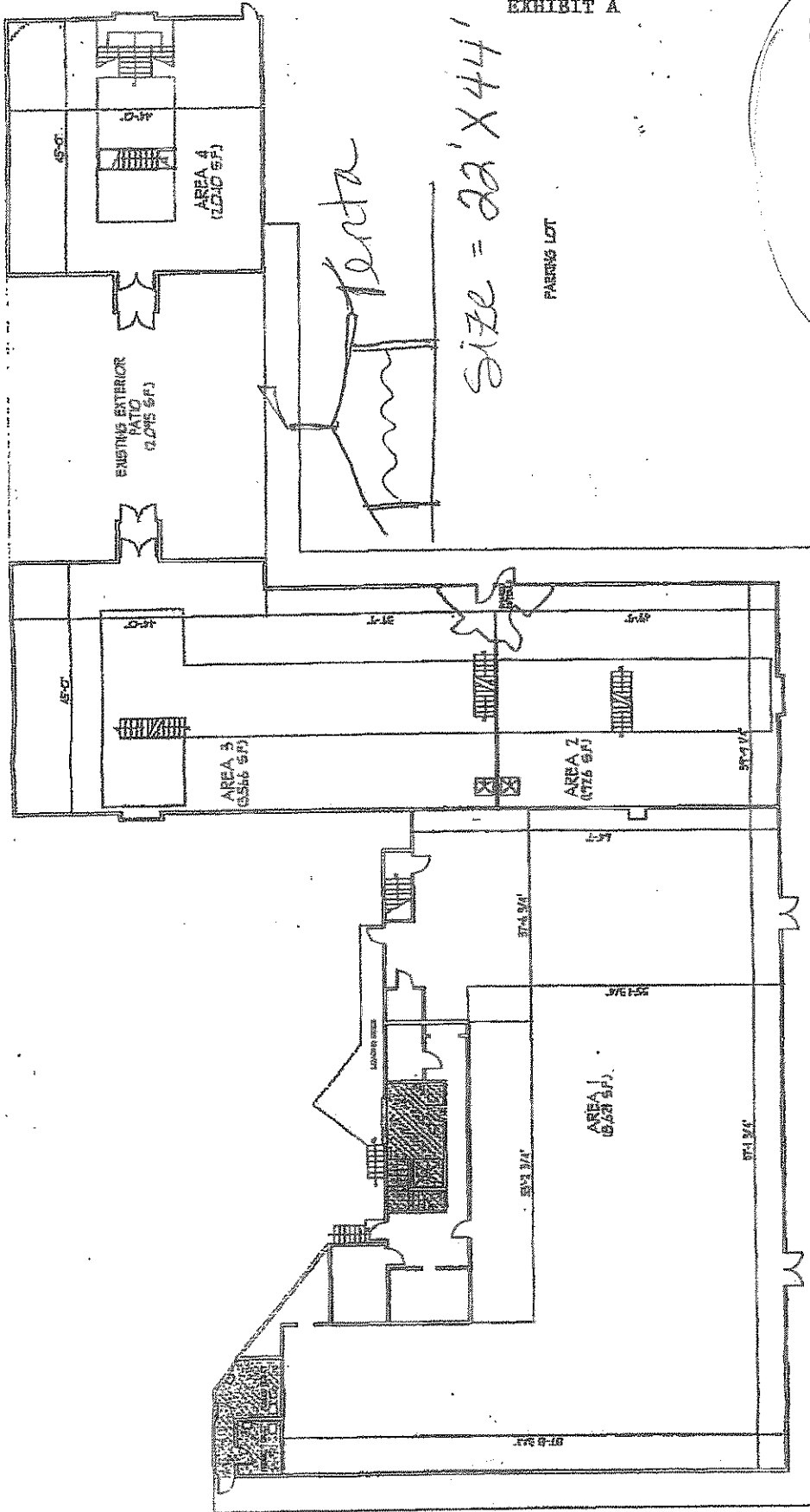


EXHIBIT A

MAINE GATE OUTLETS
KITTEERY, MAINE
4-13-2001

EXISTING FIRST FLOOR PLAN
NFS

**Department of Public Safety
Liquor Licensing & Inspection
Division**



BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.

To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

PRESENT LICENSE EXPIRES _____

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☐ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTINONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☒ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) (Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
Tributary Brewing Co, LLC			Tributary Brewing Co.		
DOB: _____			DOB: _____		
DOB: _____			DOB: _____		
Address			Location (Street Address)		
5 Winding Brooke Ln.			Kittery ME 03904		
City/Town State Zip Code			City/Town State Zip Code		
S. Berwick ME 03908			Mailing Address		
City/Town State Zip Code			City/Town State Zip Code		
207 384-2568			207 703-0093		
Telephone Number Fax Number			Business Telephone Number Fax Number		
Federal I.D. #			Seller Certificate #		

3. If premises is a hotel, indicate number of rooms available for transient guests: _____

4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

If YES, complete Supplementary Questionnaire

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: Galen will be business manager, Tod brewery mang

8. If business is NEW or under new ownership, indicate starting date: 7/14/14

Requested inspection date: _____ Business hours: Wed-Sat. 12 noon - 7 pm
Sun. 1 pm - 5 pm

9. Business records are located at: On premise

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Theodore O. D. Mott	5/1/58	New York City
Galen M. Mott	11/13/59	New York City

Residence address on all of the above for previous 5 years (Limit answer to city & state)

South Berwick, ME

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?
Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

16. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Driscoll Realty, Inc., PO Box 207, Kittery Point, ME 03905

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Production brewery and tasting room. Please see attached floor plan.

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3/4 mile Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: bank loan from Sanford Inst. for Savings for Capital Equip.

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Kittery, Maine on June 30, 20 14
Town/City, State Date

Galen M. Mott
Signature of Applicant or Corporate Officer(s)
Galen M. Mott
Print Name

Please sign in blue ink

Theodore O.D. Mott
Signature of Applicant or Corporate Officer(s)
THEODORE O.D. MOTT
Print Name

MAINE DEPT OF PUBLIC SAFETY

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES, AND LIMITED PARTNERSHIPS

- Exact Corporate Name: Tributary Brewing Co., LLC
Business D/B/A Name: Tributary Brewing Company
- Date of Incorporation: 10/22/12
- State in which you are incorporated: ME
- If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percent of stock owned:

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
Theodore O. O. Mott	5 Winding Brooke Ln, S. Berwick, ME 03908	5/1/58	49%	Owner + Brewer
Galen M. Mott	"	11/13/59	51%	Owner + Business Manager

- What is the amount of authorized stock? None Outstanding Stock? _____
- Is any principal officer of the corporation a law enforcement official? Yes ☐ No ☒
- Has applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of the United States? Yes ☐ No ☒
- If YES, please complete the following: Name: _____
Date of Conviction: _____ Offense: _____
Location: _____ Disposition: _____
Dated at: _____ City/Town _____ On: _____ Date _____

Galen M. Mott
Signature of Duly Authorized Officer
Galen M. Mott
Print Name of Duly Authorized Officer

June 30, 2014
Date

**MAINE DEPT OF
PUBLIC SAFETY**

STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



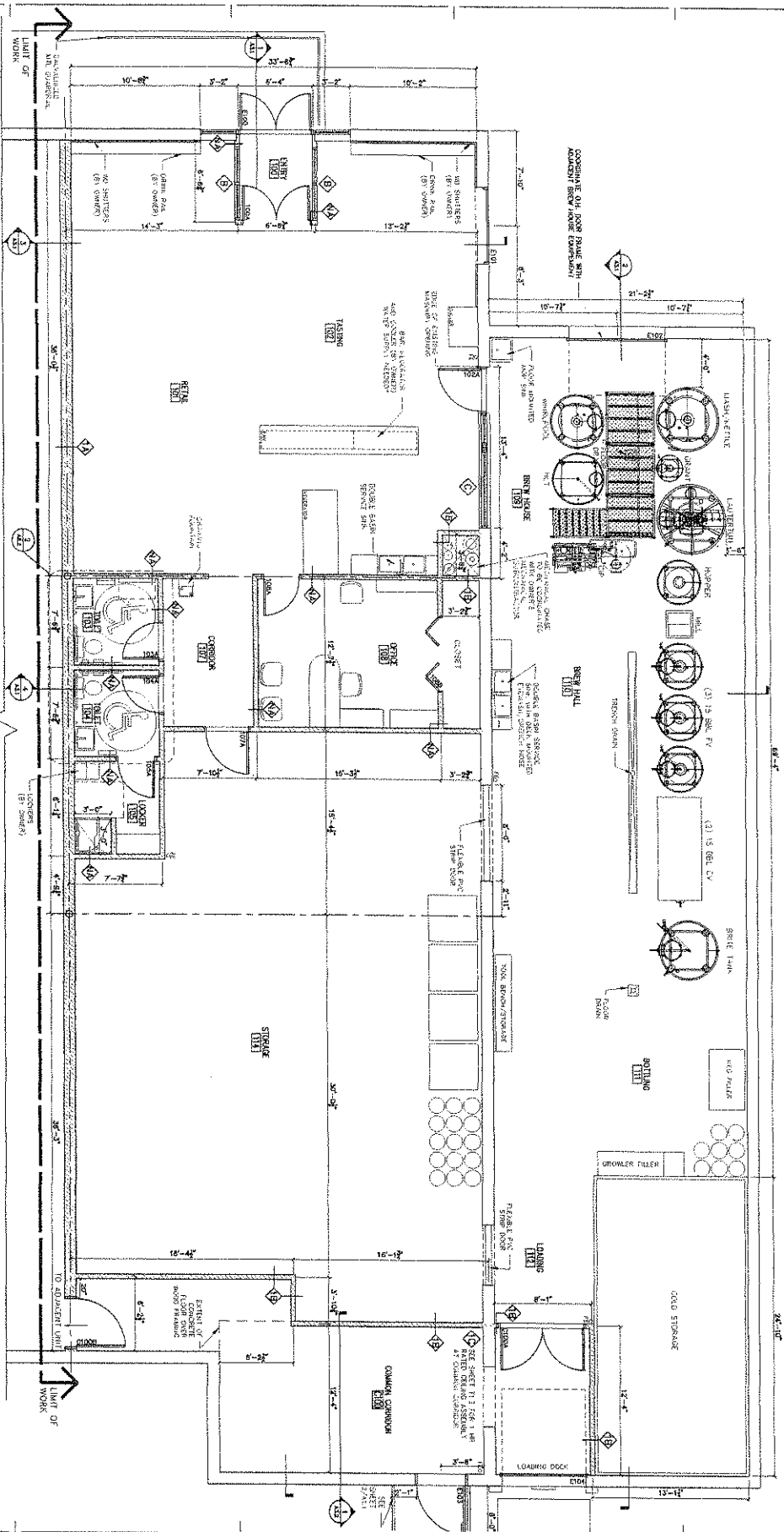
**SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.

Please see attached.

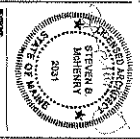
1 FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"
 NORTH



TRIBUTARY BREWING CO.
 POST OFFICE SQUARE
 Kittery, ME



McHENRY ARCHITECTURE
 4 Market Street
 Portsmouth, New Hampshire
 603.430.0274



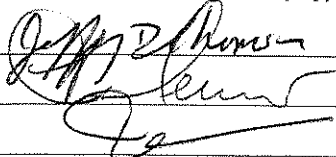
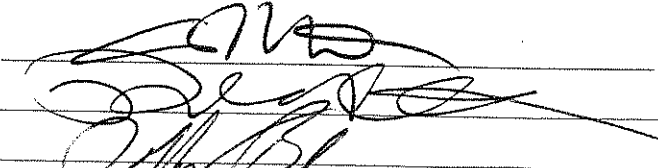
PROJECT Name	Tributary Brewing Co.
Location	Post Office Square, Kittery, ME
DATE	10/24/2014
Drawn By	JD
Checked By	SM
Project No.	100000001
Sheet No.	100000001
Scale	1/4" = 1'-0"
Notes	1. FIRST FLOOR PLAN

STATE OF MAINE

Dated at: Kittery, Maine York ss
 On: 7/14/14 Date
 City/Town (County)

The undersigned being: ☒ Municipal Officers ☐ County Commissioners of the
☐ City ☒ Town ☐ Plantation ☐ Unincorporated Place of: Kittery, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all license requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

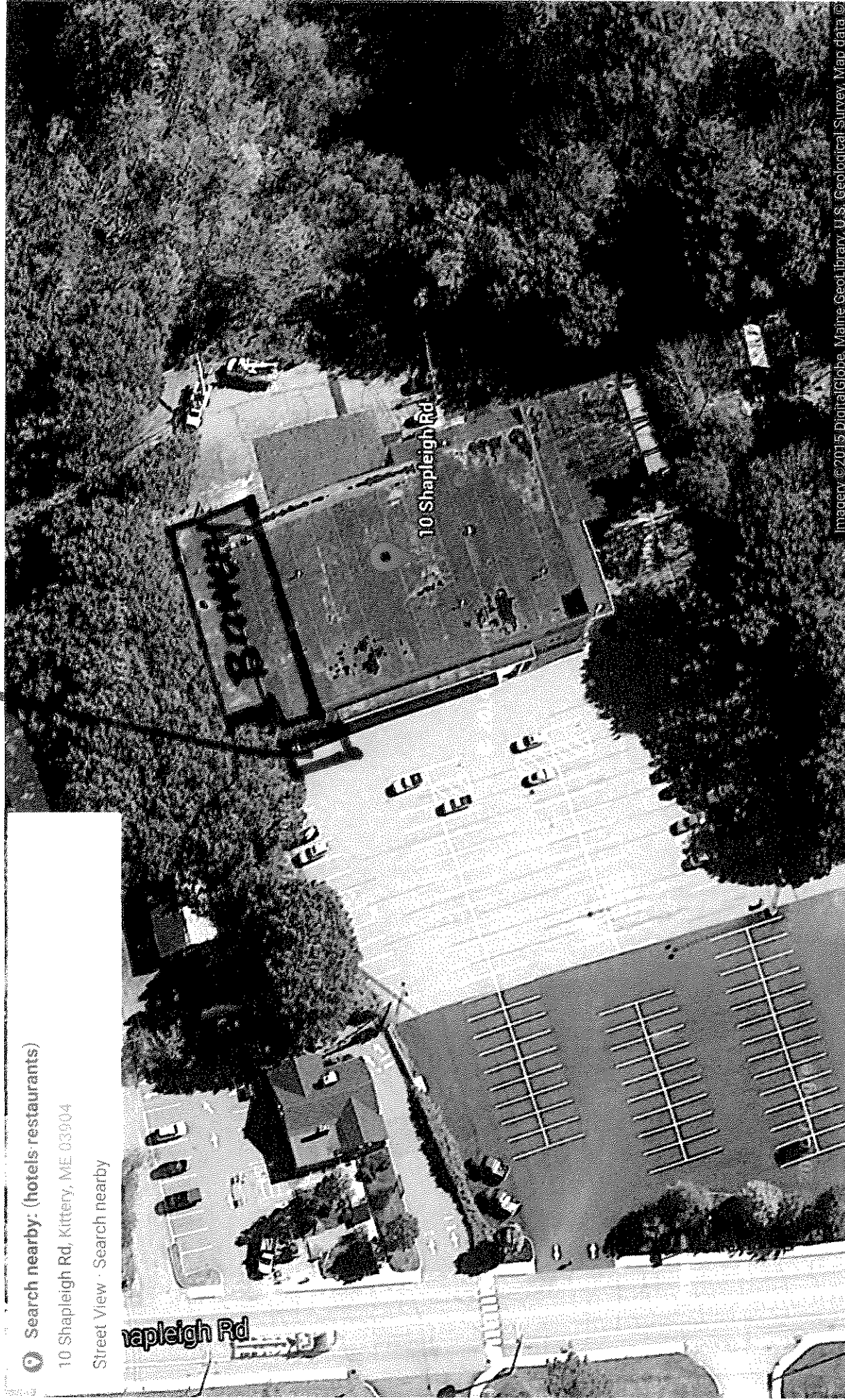
FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	
FILING FEE		\$ 10.00

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

Tent



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**Department of Public Safety
Division**

Liquor Licensing & Inspection

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded.
To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

BUREAU USE ONLY

License No. Assigned:

Class:

Deposit Date:

Amt. Deposited:

PRESENT LICENSE EXPIRES 4/22/15

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☐ SPIRITUOUS ☒ VINOUS

INDICATE TYPE OF LICENSE:

☐ RESTAURANT (Class I,II,III,IV)

☐ HOTEL-OPTIONAL FOOD (Class I-A)

☐ CLASS A LOUNGE (Class X)

☐ CLUB (Class V)

☐ TAVERN (Class IV)

☐ RESTAURANT/LOUNGE (Class XI)

☐ HOTEL (Class I,II,III,IV)

☐ CLUB-ON PREMISE CATERING (Class I)

☐ GOLF CLUB (Class I,II,III,IV)

☒ OTHER: Performing Arts Center

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>The Dance Hall</u> DOB: <u>4/11/11</u>		2. Business Name (D/B/A) <u>The Dance Hall</u>	
DOB:			
DOB:		Location (Street Address) <u>7 Walker St.</u>	
Address <u>7 Walker St.</u>	City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>
P.O. Box <u>691</u>		Mailing Address <u>P.O. Box 691</u>	
City/Town <u>Kittery</u>	State <u>ME</u>	Zip Code <u>03904</u>	City/Town <u>Kittery</u>
Telephone Number	Fax Number	Business Telephone Number <u>207-703-2083</u>	Fax Number
Federal I.D. # <u>45-0964224</u>		Seller Certificate # <u>7722</u>	

3. If premises are a hotel, indicate number of rooms available for transient guests: _____
4. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ 8,888
5. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

7. If manager is to be employed, give name: Drika Overton

8. If business is NEW or under new ownership, indicate starting date: _____

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 7 Walker St. Kittery, ME

10. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

11. Is/are applicant(s) residents of the State of Maine?

YES ☒ NO ☐

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
Hendrika Overton	5/14/52	Santa Monica, CA

Residence address on all of the above for previous 5 years (Limit answer to city & state)

161 Whipple Rd., Kittery, ME 03904

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

15. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

16. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) A former Grange Hall
one floor w/ lobby; Hall; bathrooms; 3 forms of egress; basement

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

19. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 3 blocks Which of the above is nearest? Church

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☒ NO ☐

If YES, give details: As a non-profit organization, we received donations + grants

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: _____ on _____, 20____
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Hendrika Overton
Executive Director

Signature of Applicant or Corporate Officer(s)

STATE OF MAINE
Liquor Licensing & Inspection Unit
164 State House Station
Augusta, Maine 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424

SUPPLEMENTARY QUESTIONNAIRE FOR CORPORATE APPLICANTS, LIMITED LIABILITY COMPANIES AND LIMITED PARTNERSHIPS

1. Exact Corporate Name: The Dance Hall
- Business D/B/A Name: _____
2. Date of Incorporation: 3/14/11
3. State in which you are incorporated: Maine
4. If not a Maine Corporation, date corporation was authorized to transact business within the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list percent of stock owned:

Name	Address Previous 5 Years	Birth Date	% of Stock	Title
Donna Jean Ahigian	Powen Rd, Kittery, ME	9/18/51		President
Christine Housell	Rochester, NH	7/28/62		Secretary
Ben Lord	Dover, NH	9/13/77		Treasurer
Miranda VanBers	Kittery, ME	7/13/52		Director
Mary Stevens	Kittery, ME	5/10/11		Director
Hendrika Overton	Kittery, ME	5/14/52		Executive Director

6. What is the amount of authorized stock? N/A Outstanding Stock? N/A
7. Is any principal officer of the corporation a law enforcement official? () YES (X) NO
8. Has applicant(s) or manager ever been convicted of any violation of the law, other than a minor traffic violation(s), of the United States? () YES (X) NO.
9. If yes, please complete the following: Name: _____

Date of
Conviction: _____ Offense: _____

Location: _____ Disposition: _____

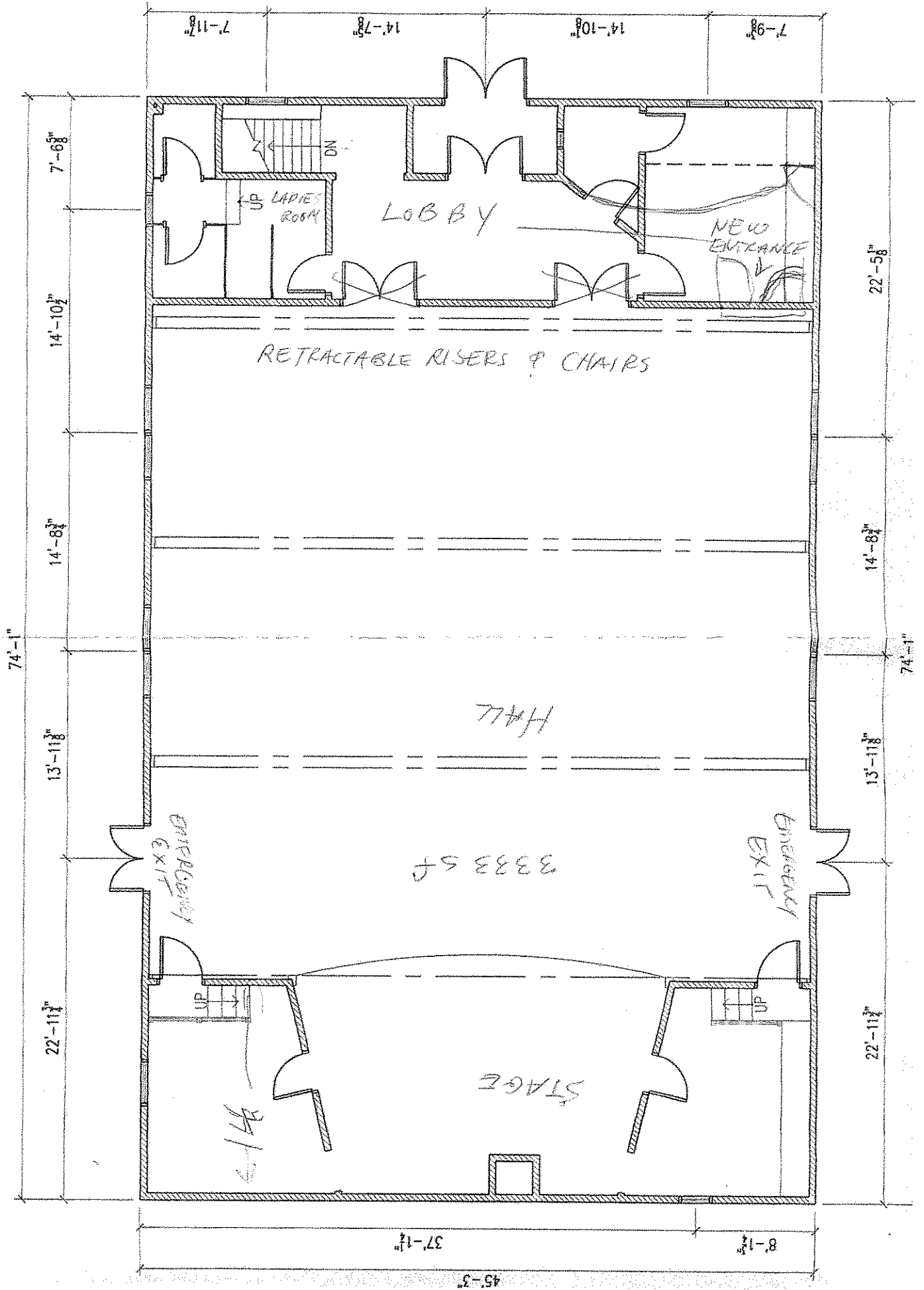
Dated at: _____ On: _____
City/Town Date

Hendrika Overton
Signature of Duly Authorized Officer

Date: 2/4/15

Hendrika Overton
Print Name of Duly Authorized Officer

Main floor K. Terry range of Walker St.



STATE OF MAINE

Dated at: _____, Maine _____ SS
City/Town (County)

On: _____
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
 - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
 - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
 - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
 2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
 - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
 - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
 - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
 - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
 - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
 - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
 - A. [1993, c.730, §27 (rp).]
 4. **No license to person who moved to obtain a license. (REPEALED)**
 5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Print Name *The Dance Hall*

Print Name

NOTICE – SPECIAL ATTENTION

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

THIS APPROVAL EXPIRES IN 60 DAYS.

FEE SCHEDULE

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

FILING FEE..... \$ 10.00

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All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.